

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ian Blum on 8/3/10.

Claims 1, 9, 12 - 14, 28 – 34, 37 and 42 are amended as follows:

Claim 1. A system for trading media space, comprising:

- a server node ~~operatively connectable~~ configured to connect to user interfaces for receiving requests for media space from buyers and offers for media space from sellers, said requests and offers being stored in a database of the server node, said requests including expected audience characteristics specified by the buyers and said offers comprising guaranteed audience characteristics specified by the sellers, wherein the expected and guaranteed audience characteristics define a target audience comprising a plurality of audience members, and the expected and guaranteed audience characteristics correspond to each member of the target audience;
- said server node comprising a set of rules including a deal execution requirement for automatically matching the requests and offers stored in the database based on parameters specified in the requests and offers including the expected and guaranteed audience characteristics, and for executing at least one trade between a matched buyer and seller in accordance with the deal execution requirement; and
- said server node configured to facilitate delivery of media content, which corresponds to an offer stored in the database, between the matched buyer and seller in response to the at least one executed trade, wherein the media content is configured for delivery by the seller via the media space to the target audience corresponding to the expected and guaranteed audience characteristics, for delivery of the media content by the seller to a target audience of matched buyers comprising a plurality of members, wherein characteristics of each of the plural members correspond to the expected and guaranteed audience characteristics;

Claim 9. A method for trading media space, comprising the steps of:

- receiving, at a server node, requests for media space from buyers and offers of media space from sellers, said requests including expected audience characteristics specified by the buyers and said offers comprising guaranteed audience characteristics specified by the sellers, wherein the expected and guaranteed audience characteristics define a target audience comprising a plurality of audience members, and the expected and guaranteed audience characteristics correspond to each member of the target audience;
- storing the received requests and offers in a database of the server node;
- matching, at the server node, the requests of the buyers and the offers of the sellers stored in the database based on parameters specified in the requests and offers including the expected and guaranteed audience characteristics;
- executing, at the server node, a trade between a matched buyer and seller according to predetermined rules including a deal execution requirement; and facilitating, by the server node, delivery of media content between the matched buyer and the seller pursuant to the predetermined rules in response to the step of executing, wherein the media content is configured for delivery by the seller via the media space to the target audience corresponding to the expected and guaranteed audience characteristics, for delivery of the media content by the seller to a target audience of matched buyers, comprising a plurality of members, wherein characteristics of each of the plural members correspond to the expected and guaranteed audience characteristics.

Claim 12. A memory comprising computer-readable instructions for trading media space, A computer-readable medium encoded with instructions for trading media space, which when executed by a computer, causes the computer to perform a method comprising:

- computer-readable instructions for receiving, at a server node, requests for media space from buyers and offers for media space from sellers, the requests including expected audience characteristics specified by the buyers and the offers comprising guaranteed audience characteristics specified by the sellers, wherein the expected and guaranteed audience characteristics define a target audience comprising a plurality of audience members, and the expected and guaranteed audience characteristics correspond to each member of the target audience;
- storing the received requests and offers in a database of the server node, matching a request of one of the buyers stored in the database and an offer of one of the sellers stored in the database at the server node that satisfy a deal execution requirement to form a matched pair based on parameters specified in the requests and offers including the expected and guaranteed audience characteristics,
- executing, at the server node, a trade between the buyer and the seller, and facilitating delivery of the media content between the matched buyer and seller

~~for delivery of the media content, wherein the media content is configured for delivery by the seller via the media space to the target audience corresponding to the expected and guaranteed audience characteristics by the seller to a target audience of matched buyers comprising a plurality of members, wherein each of the plural members correspond to the expected and guaranteed audience characteristics.~~

Claim 13. The memory computer-readable medium of claim 12, further comprising ~~computer-readable instructions for~~ delivering the media content from a first database to a second database via a switching node connected to the server node.

Claim 14. The memory computer-readable medium of claim 13, said ~~computer-readable instructions~~ further comprising downloading the media content from the first database to a third content database connected to said switching node when the request is transmitted to said server node and automatically sending the media content from the third content database to the second database after the trade is executed between the buyer and the seller.

Claim 28. The memory computer-readable medium of claim 12, further comprising ~~computer-readable instructions for~~ performing one of clearing, settling and billing for the executed trade.

Claim 29. The memory computer-readable medium of claim 12, further comprising ~~computer-readable instructions for~~ performing the step of coordinating, by the server node, the delivery of the media content between the buyer and the seller.

Claim 30. The memory computer-readable medium of claim 12, wherein the media space is an ad space on one of television, radio, newspaper, magazine, Internet, and outdoor signage.

Claim 31. The memory computer-readable medium of claim 12, wherein the media space includes attributes comprising at least one of type of medium, unit of trade, target market, time interval of placement, and audience characteristics.

Claim 32. The memory computer-readable medium of claim 12, wherein the buyer and the seller are market participants, wherein the market participants comprise at least one of an advertiser, a representative of advertisers, a media space owner, an agent of media space owners, a media space broker, a risk manager or a speculator.

Claim 33. The memory computer-readable medium of claim 12, wherein the server node presents an input screen to the buyers and sellers for the requests and the offers.

Claim 34. The ~~memory~~ computer-readable medium of claim 12, wherein each of the buyers and the sellers interact with the server node using an interface comprising at least one of a computer, a cell phone, and a personal digital assistant.

Claim 37. The ~~memory~~ computer-readable medium of claim 12, wherein each of the requests and offers comprise parameters and the deal execution requirement of the set of rule automatically matches the requests and offers stored in the database based on at least one of the parameters that is different from a cost of the media space.

Claim 42. The ~~system~~ computer-readable medium of claim 12, wherein the audience characteristics include at least one of gender, age, time, rating, and program category.

Allowable Subject Matter

Claims 1-42 are allowed.

Reasons for Allowance

The following is a statement of reasons for indication of allowable subject matter.

The prior art fails to teach or suggest the limitations of:

"wherein the expected and guaranteed audience characteristics define a target audience comprising a plurality of audience members, and the expected and guaranteed audience characteristics correspond to each member of the target audience." (as in Claim 1).

Such limitation is present in all independent claims.

It is old and well known in the art for a seller of media space (i.e. advertising space) to define the media space by its expected or intended target audience. This target audience, in turn, is usually defined by the characteristics (i.e. demographics) of its constituent members.

Furthermore, when a seller discusses audience characteristics, the seller is usually discussing the characteristics in the aggregate (i.e. of the entire audience as a

whole) rather than the characteristics of each constituent member of the audience. For example, a seller might state that in the audience for a particular media space, statistics indicates that approximately 75% of its constituent members are below the age of thirty.

The instant application distinguishes from these old and well known practices by having the seller making guarantees about the audience characteristics pertaining to **each individual** constituent member of a given audience, rather than making assertions and guarantees about the audience characteristics of a given audience on the whole as is conventionally done.

Eldering (US Patent 6,324,519) discloses a method/system for trading media space (advertising space/advertising opportunities) between a buyer and a seller, wherein the parties define the target audience by demographics (consumer characterization/demographics). (see col. 1, line 45 – col. 2, line 21). Neither this patent/pre-grant publication, alone nor in combination with others, discloses nor suggests the feature of guaranteeing the audience characteristics of each individual constituent member of the target audience.

Curran (Curran, James; Seaton, Jean. *Power without Responsibility: The Press and Broadcasting in Britain*. Routledge. 1997. p. 189) discloses a method/system for trading media space between a buyer and a seller, wherein the seller guarantees the size of the target audience. (see p. 189). Neither this non-patent literature, alone nor in combination with others, discloses nor suggests the feature of guaranteeing the audience characteristics of each individual constituent member of the target audience.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON M. BORLINGHAUS whose telephone number is (571)272-6924. The examiner can normally be reached on Monday - Friday; 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason M Borlinghaus/
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August 3, 2010